

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FILED

UNITED STATES OF AMERICA,

PLAINTIFF,

v.

THE CITY OF ERIE, PENNSYLVANIA,

DEFENDANT.

'06 OCT 23 P1:02
CIVIL ACTION No. 04-4

CLERK
JUDGE McLAUGHLIN DISTRICT COURT

**OBJECTIONS TO UNITED STATES' DETERMINATION REGARDING
INDIVIDUAL RELIEF TO BE AWARDED UNDER THE CONSENT DECREE**

I am objecting to the United States' determinations regarding the relief to which I am entitled under the Consent Decree.

Name: FATIMA Gibbs

Address: 1304 West 25th
Erie PA 16562

Telephone: 814) 566-0066
403-9250

Nature and basis of my objection(s): are I took the test and was
failed purposely on March 2, 2001 at that time I was
contacted by the Human Relations Commission office
because they stated they had representatives at the field -

**YOU MUST ATTACH A COPY OF ANY DOCUMENTATION
THAT YOU HAVE THAT SUPPORTS YOUR OBJECTIONS**

Are you requesting the opportunity to state your objection in person at the Fairness Hearing on Individual Relief?

☒ Yes ☐ No

**YOU MAY USE ADDITIONAL PAGES TO EXPLAIN THE BASIS OF YOUR OBJECTION
IF NECESSARY. YOU MUST SEND ONE COPY OF YOUR OBJECTION TO THE
CLERK OF THE COURT, ONE COPY TO THE DEPARTMENT OF JUSTICE AND
ONE COPY TO THE CITY AT THE ADDRESSES PROVIDED IN THE
INSTRUCTIONS.**

YOUR OBJECTIONS MUST BE POSTMARKED BY October 20, 2006

behind the prison on 18th and Ash who saw the result of my test. I also have the name of an officer who admitted that he knew I was failed purposely. The officer admitted this to my brother Bunny Sgt. Luther Aibles of the United States Marine Corp.

At this time I am trying to acquire contact with the officer to obtain a notarized letter to back up my statement.

Also from the time I took the test and was failed, I began my lawsuit and pursued justice and kept in steady contact with Mr. David Thomas a Human Relations Representative by phone or letter. During this time I was offered the opportunity to take the test to become a Fireman, this was offered after a meeting between the Human Relations Commission and the City of Erie Police Bureau.

Over time during the start of this lawsuit there was myself and maybe 7 to 10 other women who decided to pursue a case against the City of Erie Police. Overtime it was put in the newspaper progress wise as if women dropped their cases, which is something I never did.

I was subjected to my name being put in articles but never interviewed to be given the opportunity to speak on my own behalf, and was also put on television but once again was never interviewed or contacted to be asked to be interviewed.

I was employed at a few different jobs and attended school to become a Medical Assistant/Medical Secretary, and at my last job I held right before I graduated from school in 2004, I was employed at Target and around the middle of June end of July an article was released and my name was used and conversations about me between co-workers took place and got back to me and I spoke up about it and confronted them. I explained myself to them although I didn't have to but at this point in my lawsuit I was tired of things being said or used regarding me and this case w/out my consent or side of the story.

I followed this case from beginning to end unlike so many others involved in this case and I believe a lot of the women involved are just jumping on the bandwagon because they know money is involved.

My objection is not being written to be selfish or greedy, but I do feel that seeing I have ridden this entire thing out since the time of the date from which I took my test and the things I have dealt with, I believe that I should receive more than 4 payments of \$840.

One young lady is suing because she went to school and feels she should receive \$20,000 or \$22,000. I feel that is unfair because this case is based on those who took the test, but should also involve the issue that some of us, actually myself have been in this for 5 yrs.

I am attaching proof of communication between myself and the Human Relations Commission Regional office out of Pittsburgh. My letter from the officer who timed the end of my test or just counted my sit-ups and push-ups will follow.

Thank You
Fatima A. Shih

Chairperson
STEPHEN A. GLASSMAN
Vice-Chairperson
RAQUEL OTERO de YIENGST
Secretary
DANIEL D. YUN
Executive Director
HOMER C. FLOYD
Regional Director
GEORGE A. SIMMONS



COMMONWEALTH OF PENNSYLVANIA
HUMAN RELATIONS COMMISSION
Pittsburgh Regional Office
State Office Bldg., 300 Liberty Avenue
Pittsburgh, PA 15222-1210
(412) 565-5395 (Voice)
(412) 565-5711 (TTY)

COMMISSIONERS
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KWEILIN NASSAR
J. WHYATT MONDESIRE

www.phrc.state.pa.us

August 31, 2005

Fatima Gibbs
1304 W.25th St.
Erie PA 16502

RE: Fatima Gibbs v Erie City Police Bureau
Case No. 200011824
EEOC No. 17FA03250

Dear Ms. Gibbs:

Your case has been held in abeyance pending Federal litigation commenced by the United States Department of Justice against the Erie Police Department. That federal court case raises substantially the same issues as those raised in the above-captioned Pennsylvania Human Relations Commission (PHRC) complaint. It has proceeded through trial and awaits a verdict.

A verdict on that case will be res judicata as to the validity of the physical agility test, and the remedy phase, if any, will provide you with appropriate relief.

Accordingly, is being submitted for administrative closing.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "David Thomas", with a long horizontal line extending to the right.

David Thomas
Human Relations Representative
(412) 565-2715

Harrisburg, PA 17105-3145

(717) 787-4410 (Voice)

(717) 787-4087 (TTY)

September 12, 2005

Fatima Gibbs
1304 W.25th St.
Erie PA 16502

RE: Fatima Gibbs v Erie Cty Police Bureau
Case No. 200011824
EEOC No. 17FA03250 Docket No. E96417D

Dear Fatima Gibbs:

The Pennsylvania Human Relations Commission reviewed the above named complaint of discrimination and determined that it should be closed administratively. You have been informed by your investigator of the reasons for this determination. Enclosed is a Notice of your further rights in this matter.

The Pennsylvania Human Relations Act affords the complainant and the respondent the opportunity for comments after the final disposition of the complaint. If you wish to make written comments regarding the investigation of the complaint, please send them to Peggy J. Raynock, the Director of Compliance, at the above address. Your comments will be provided to the Commission members.

Very truly yours,



Homer C. Floyd
Executive Director
HCF: cbb

Enclosure

X1-X2 to C (X3)

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SINCE YOUR CHARGE WAS FILED UNDER TITLE VII OF THE CIVIL RIGHTS ACT,
AMERICANS WITH DISABILITIES ACT (ADA) OR THE AGE DISCRIMINATION IN
EMPLOYMENT ACT (ADEA), WHICH IS ENFORCED BY THE US EQUAL
EMPLOYMENT OPPORTUNITY COMMISSION (EEOC), YOU HAVE THE RIGHT TO
REQUEST THE EEOC TO REVIEW THIS ACTION. TO SECURE A REVIEW, YOU MUST
REQUEST THE REVIEW IN WRITING WITHIN FIFTEEN (15) DAYS OF YOUR RECEIPT
OF THIS LETTER. THIS REQUEST SHOULD BE SENT TO:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
THE BOURSE SUITE 400
21 SOUTH FIFTH STREET
PHILADELPHIA, PA 19106-2515